

Rail Directorate

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SCOTLAND

Mark Shanks
request-53017-0e38afe1@whatdotheyknow.com

Our ref: FOI/10/01564

Date:
15 December 2010

Dear Mr Shanks,

Environmental Information Request

Thank you for your request dated 29 November 2010 under the Freedom of Information (Scotland) Act 2002 (FOISA) for details of correspondence from 2008 between Transport Scotland and two elected members at Falkirk Council, Councillor T. Coleman and Councillor A. MacDonald, on the subject of proposed rail stations at Bonnybridge and Grangemouth.

As the information you have requested is 'environmental information' for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your request under those Regulations. We are applying the exemption at section 39(2) of the Freedom of Information (Scotland) Act 2002 (FOISA). As the exemption is conditional we have applied the 'public interest test'. This means we have, in all circumstances of this case, considered if the public interest in disclosing the information under FOISA outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption because there is no public interest in dealing with the same request under two different regimes. This is essentially a technical point and has no material effect on the outcome of your request.

Following a search of our paper and electronic records, I have established that the information you require is not held by the Scottish Government. For that reason we are refusing your request under the exception at regulation 10(4)(a) of the EIRs. As the exception is conditional, we are required to apply the 'public interest test'. While we recognise that there may be some public interest in the information you have requested, clearly we cannot provide information which we do not hold.

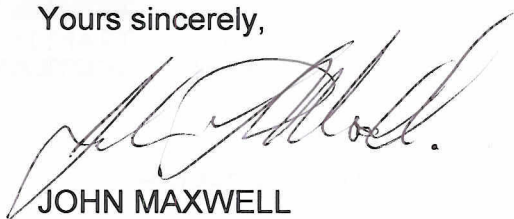
I am sorry we are unable to help with your enquiry.

Request for a review

If you are unhappy with this response to your request, you may ask us to carry out an internal review, by writing to David Middleton, Chief Executive, Transport Scotland, 8th Floor, Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF. Your request should explain why you wish a

review carried out, and should be within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Maxwell', written over a light blue horizontal line.

JOHN MAXWELL
Rail Policy Manager